



PATENT
Customer No. 22,852
Attorney Docket No. 3495.0010-20

BEFORE THE BOARD OF PATENT APPEALS AND INTERFERENCES

In re Application of:)
Marc Alizon et al.) Group Art Unit: 1637
Application No.: 08/308,219) Examiner: Jeffrey N. Fredman
Filed: September 19, 1994) Confirmation No.: 4832
For: DNA SEQUENCE OF THE LTR
REGION OF HUMAN
IMMUNODEFICIENCY VIRUS
TYPE 1 (HIV-1)

Mail Stop AF
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

SUBMISSION OF TERMINAL DISCLAIMER

Applicants submit herewith two (2) Terminal Disclaimers in the above-referenced application, one executed by assignee INSTITUT PASTEUR and one executed by assignee THE UNITED STATES OF AMERICA AS REPRESENTED BY THE SECRETARY OF THE DEPARTMENT OF HEALTH AND HUMAN SERVICES.

Please associate these papers with the above-identified application. The requisite fee of \$260.00 is enclosed.

Please grant any extensions of time required to enter these papers and charge
any additional required fees to our deposit account 06-0916.

Respectfully submitted,

FINNEGAN, HENDERSON, FARABOW,
GARRETT & DUNNER, L.L.P.

Dated: June 5, 2006

By: _____



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06/06/2006 JADDO1 00000001 08308219

Sir:

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TERMINAL DISCLAIMER

Assignee, the United States of America as represented by the Secretary of the Department of Health and Human Services having its principal place of business at 900 Rockville Pike, Bethesda, Maryland 20892, represents that it, together with Institut Pasteur of Paris, France, are the owners of 100% of the right, title and interest in and to the above-identified application. The United States of America as represented by the Secretary of the Department of Health and Human Services, further represents that it, together with Institut Pasteur of Paris, France, are the owners of 100% of the right, title and interest in and to U.S. Patent No. 6,627,395.

To obviate a double patenting rejection, Assignee hereby disclaims, except as provided below, the terminal part of the statutory term of any patent granted on the instant application, which would extend beyond the expiration date of the full statutory term defined in 35 U.S.C. §§ 154 to 156 and 173, as presently shortened by any terminal disclaimer, of prior patent No. 6,627,395. Assignee hereby agrees that any patent so granted on the instant application shall be enforceable only for and during such period that it and the prior patent are commonly owned. This agreement runs with any patent granted on the instant application and is binding upon the grantee, its successors or assigns.

In making the above disclaimer, Assignee does not disclaim the terminal part of any patent granted on the instant application that would extend to the expiration date of the full statutory term as defined in 35 U.S.C. §§ 154 to 156 and 173 of the prior patent, as presently shortened by any terminal disclaimer, in the event that the prior patent later expires for failure to pay a maintenance fee, is held unenforceable, is found invalid by a court of competent jurisdiction, is statutorily disclaimed in whole or in part, is terminally disclaimed under 37 C.F.R. § 1.321, has all claims canceled by a reexamination certificate, is reissued, or is in any manner terminated prior to the expiration of its full statutory term as presently shortened by any terminal disclaimer.

The undersigned is authorized to act on behalf of Assignee, the United States of America as represented by the Secretary of the Department of Health and Human Services.

I hereby declare that all statements made of my own knowledge and belief are true and that all statements made on information and belief are believed to be true and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issuing thereon.

Respectfully submitted,

By:

Name: JACK SPREBEL (REG# 34,477)
Title: SENIOR ADVISOR FOR TECHNOLOGY TRANSFER OPERATIONS
Assignee: The United States of America
as represented by the Secretary
of the Department of Health and
Human Services

Dated: JUNE 5, 2006